IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 26018 of 2007(V)

PETITIONER:

INDIAN OPTOMETRISTS ASSOCIATION
(KERALA CHAPTER) REPRESENTED BY ITS PRESIDENT,
ANIL J.EDAYACODE, T.C.NO.27/89, RED CROSS ROAD,
TRIVANDRUM - 37.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SECRETARY,
HEALTH SERVICES DEPARTMENT,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

3. THE DIRECTOR OF HEALTH SERVICES,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

4. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM.

5. THE DIRECTOR OF MEDICAL EDUCATION,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

BY SC SRI.P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P.(C) NO. 26018 of 2007

Dated this the 6th day of September, 2007

JUDGMENT

The Indian Optometrists Association (Kerala Chapter) challenges Ext.P5 notification issued by the Public Service Commission inviting applications for appointment to the post of Refractionist Grade II in the Medical Education Department. According to it, the qualifications prescribed by the Public Service Commission is not in in confirmity with Ext.P4.

2. The challenge against the notification issued by the PSC inviting applications for a notified post, which comes within its purview, cannot obviously be made by an Association, which cannot be an applicant to the post. In my view, the writ petition is misconceived. I do not express any opinion on the merits of the contentions for the reason that the Association cannot maintain the writ petition challenging the prescription of a qualification by the Public Service Commission. The writ petition is, therefore, dismissed.

V.GIRI, JUDGE

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